

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE
LITIGATION

MDL NO. 1456

THIS DOCUMENT RELATES TO:

TRACK TWO SETTLEMENT

CIVIL ACTION: 01-CV-12257-PBS

Judge Patti B. Saris

**PLAINTIFFS' MOTION FOR IMPOSITION OF APPEAL BOND AGAINST
CORINNA CONNICK UNDER FEDERAL RULE OF APPELLATE PROCEDURE 7**

Pursuant to Federal Rule of Appellate Procedure 7, Plaintiffs hereby move for imposition of an appeal bond in the amount of \$241,500 against Corinna Connick, who is not a Class member yet is filing an appeal of the Court's order denying her motion to intervene. This motion is supported by the accompanying supporting Memorandum and the Declarations of Class Counsel Steve W. Berman and Claims Administrator representative Daniel Coggeshall.

There is good cause for requiring Connick to post an appeal bond. Not only will the appeal cause lengthy delays in distributing long-awaited relief to tens-of-thousands of Class members who submitted claims, it will also cause significant additional administrative costs. As outlined in the Coggeshall Declaration and explained further in the accompanying Memorandum, the delay will require the Settlement Administrator to expend additional operating expenses that will be deducted from Settlement Fund. Additional attorneys' fees and costs will also be incurred if the Objector's appeal is unsuccessful.

WHEREFORE, for the reasons set forth in the accompanying Memorandum, Plaintiffs respectfully request that this Court enter an order, pursuant to Rule 7 of the Federal Rule of Appellate Procedure, requiring Connick to post an appeal bond in the amount of \$241,500, and all other relief that this Court deems just and appropriate.

DATED: November 4, 2011

By /s/ Steve W. Berman
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CERTIFICATE OF SERVICE BY LEXISNEXIS FILE & SERVE

Docket No. MDL 1456

I, Steve W. Berman, hereby certify that I am one of plaintiffs' attorneys and that, on November 4, 2011, I caused copies of **PLAINTIFFS' MOTION FOR IMPOSITION OF APPEAL BOND AGAINST CORINNA CONNICK UNDER FEDERAL RULE OF APPELLATE PROCEDURE 7** to be served on all counsel of record by causing same to be posted electronically via Lexis-Nexis File & Serve.

/s/ Steve W. Berman

Steve W. Berman